

JEFFERSON COUNTY COMMISSIONERS
COURTHOUSE, BOX H
BOULDER, MT 59632
PHONE 406-225-4025
FAX 406-225-4148

TOM LYTHGOE, CHAIR

CHUCK NOTBOHM

KEN WEBER

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
July 12, 2005**

Present: Commissioners Lythgoe, Notbohm and Weber; Ben Sautter, Road Foreman; Harold Stepper, County Planner; Craig Doolittle, County Sheriff; Megan Bullock, Sanitarian; Kellie Doherty; Jan Anderson, *Boulder Monitor/Jefferson County Courier*; Peggy Morales, Jim & Mildie Kehr, John Zuelke, Mervin Gunderson, Marilyn Vandola

MINUTES

Commissioner Lythgoe moved to approve the minutes of June 29. Commissioner Weber seconded. The motion carried.

Commissioner Weber moved to approve the minutes of July 5. Commissioner Notbohm seconded. The motion carried.

REPORTS

Receipt of Clerk & Recorder June fees report from Clerk and Recorder.

Receipt of June revenue and expense reports from Clerk and Recorder.

CALENDAR REVIEW

- 7/13 Budget meetings with departments - 8:30 - 1:30
Site review of Willow Creek subdivision - 4:00
- 7/14 Tri-County Fire - 9:30
Weed Board - 5:00
- 7/19 Meet with Alan Erickson - 9:00
Fire Council - Elk Park - 7:00

COMMISSION REPORTS

MDT MEETING

Commissioner Lythgoe reported that the Commission attended a meeting at Wheat Montana on Thursday morning. They discussed plans to reconstruct Sappington Junction.

ROADS

Commissioner Lythgoe reported that the Commissioners met with Ben, Bob Donat and Bob's lawyer on-site on Thursday afternoon. They discussed a county road that Bob is working on that goes through the subdivision he is developing.

HEALTH BOARD

Commissioner Lythgoe reported that the Health Board conducted second interview for the PHN II position on Thursday night. Someone has been hired, and will be starting soon.

BUDGETS

Commissioner Lythgoe stated that the Commission has been meeting with departments to review budgets. The meetings will be completed by Wednesday afternoon.

WHITEHALL CHAMBER

Commissioner Weber reported that the Commissioners attended the Whitehall Chamber meeting on Thursday in Whitehall. The main topic of discussion was Frontier Days.

EAGLE SCOUTS

Commissioner Weber reported that he attended an Eagle Scout ceremony in Whitehall the previous night. He stated that in the history of Whitehall scouting, there have only been six Eagle Scouts, and the previous night, three were promoted to Eagle. He stated that he is very proud of their accomplishments.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

DISCUSS AND DECIDE ON DEPARTMENT HEAD COLA

Commissioner Lythgoe stated that they dealt with the Elected Officials' and deputies' COLA in the salary compensation board meeting, and the unions are currently in negotiations. Department Heads need to be dealt with separately, as they are not in the union. Commissioner Weber stated that it is his understanding that this has traditionally be done with the "me too" clause.

Commissioner Lythgoe agreed with Commissioner Weber that three non-union employees are dealt with under the "me too" clause, but the department heads need to be dealt with separately.

Commissioner Lythgoe moved to give a 2% COLA increase to the Department Heads. Commissioner Notbohm seconded. The motion carried.

APPOINT BOARD MEMBERS

Commissioner Weber stated that he has applicants for the Library and Solid Waste boards that he still needs to interview.

Cathy DuBois has applied to serve on the Tax Appeal Board. Commissioner Lythgoe moved to appoint Cathy DuBois to the Tax Appeal Board. Commissioner Notbohm seconded. The motion carried.

DISCUSS AMENDMENTS TO COUNTY ROAD STANDARDS

Commissioner Lythgoe stated that he will suspend the rules to allow for open discussion, and they will take comments on a page at a time.

Commissioner Weber stated that on page 1, section A 2, the word “improvements” should be deleted. If someone is building or re-building a road, then it needs to be to standards, but if someone is filling a pothole, they shouldn’t be required to have an engineer.

On page 2, Commissioner Weber stated that in paragraphs 6 and 7, some delineation needs to be made between hot and cold pavement; asphalt is hot and millings are cold. Ben stated that it is a good idea to specify that, and he will talk to Alan about this. Commissioner Lythgoe stated that he has a problem with paragraph 7, which requires paving at a certain point and formation of a RID, and stated that he had always had a problem with the whole concept. He stated that this is a whole different concept from residents coming forward to form a RID. He is not sure how to deal with this, in relationship to what they are trying to do in the county regarding forming RMDs, etc. Commissioner Weber stated that every time they deal with this, they come to a brick wall. Commissioner Notbohm stated that there should be different ways to deal with this. He noted that there could be a major subdivision that doesn’t trigger the ADT, but with added local traffic, it reaches the trigger. Commissioner Lythgoe stated that he would almost rather not deal with this until they decide what is going to happen. If the Commission does what he wants to do with taking the roads, he would rather see this taken out until this is decided. He noted that it could be added back in at a later time. Commissioner Notbohm stated that he feels they should leave it in, and it can be amended out at a later time. He stated that this is the biggest issue in the standards, but the Commission isn’t taking any heat for it. Commissioner Lythgoe stated that he has a problem with the fact that people will be required to commit to participate in a RID. Ben stated that there are three major issues in this paragraph. He stated that he has to agree with Commissioner Notbohm; they need to leave this language in the standards. Ben noted that hard surface roads will be important with major developments; the county needs a road standard that provides for paved roads, and a RID is one way to do this. Ben stated that if you go back to the legislation that allows for impact fees, if a developer impacts a road, that developer needs to pay for the impact. Commissioner Lythgoe noted that there can also be a subdivision that doesn’t require pavement in the beginning, but later expands to the point that pavement is required. He also stated that he agrees with Ben, a developer should pay for the impact. Also, this stated that all of the subdivision roads be paved, when all that needs to be paved may be the access road. Ben stated that they may need to split the paragraph into different sections and be more detailed. Commissioner Lythgoe stated that they need to look for a way that it is the developer’s responsibility, however the developer decides to do it - a SID, up the lot price - but he doesn’t like to tell people that they need to form a RID. Commissioner Lythgoe stated that his problem isn’t with the need for pavement, but with the county demanding a RID. He stated that it can be

in the standard that it is a developer's responsibility, but there is no need to demand a RID. Commissioner Weber agreed that the developer can do as needed, charge higher prices, etc., but it is not for the county to tell the developer how to get there. Commissioner Lythgoe stated that he does not want the RID or RMD language in there at this point. Ben stated that he understands Commissioner Lythgoe's concern, and stated that as long as the requirement is there, it is up to the developer to decide how to fund it.

Commissioner Weber stated that paragraph 6 outlines the ADT portion, but it doesn't discuss density issues, and it doesn't deal with adjoining developments. Ben stated that the ADT trigger can be implemented with adjoining land. Commissioner Lythgoe asked if they need to split paragraph 7.

Commissioner Weber stated that paragraph 4 stated that streets and roads in high density areas need to meet design specifications in Table 3, and asked if the hard surface requirement could be added in there. Ben stated that he would rather write something right into the paragraph, rather than refer to another location.

Commissioner Lythgoe asked if paragraph 7 should just be deleted. Jan Anderson offered some language to make it clearer, which was given to Ben. Commissioner Lythgoe stated that they need to specify that a developer doesn't need to pave the entire adjacent subdivision, but rather the access road. Ben stated that it should specify impacted roads.

Commissioner Weber stated that he had several minor edits, noting that the document switches between symbols and words to indicate inches, feet, etc. He would suggest that just words be used, rather than symbols.

On page 3, the hot/cold pavement language needs to be added to paragraph 8, and there needs to also be a definition of cold millings.

On pages 6 & 7, Ben stated that he needs to have a conversation with the engineer regarding sight distance.

On page 7, Commissioner Weber stated that he thinks the lowest the county can set a speed limit is 35 mph, and item 7-a specifies 30 mph. Also in item 11-3, bridge widths are based on ADT, but there is no definition. Commissioner Notbohm noted that cul-de-sac radius is outlined in item 10, and asked what the Dahl subdivision was required. Commissioner Weber stated that Dahl's subdivision had to meet these same requirements, as they are in the existing standards.

On page 8, in Table 2, Commissioner Weber noted that the last two lines are essentially identical, so the second line is redundant. Ben stated that even if a road is designed for higher speeds, the roadway widths are the same. Commissioner Weber stated that Table 3 outlines standards for High Density, Major and Commercial Areas, and he feels that the word Major should be taken out; noting that there can be a 6-lot major subdivision that does not meet the criteria.

On page 9, Commissioner Weber noted the speed limits again, and questioned if the fact that they are on curves makes a difference. Ben stated that he will ask Alan about this. Commissioner Notbohm stated that curves are a different issue. Ben stated that on item 9, he questions allowing approaches to be so close together. He stated that people can share driveways, and this will also help with drainage issues. Commissioner Weber gave an example of a major subdivision with quarter-acre lots, where the first lot put their drive on the left, and questioned if all the rest would then have to put their drives on the left. Ben stated that this all needs to be drawn out on the plat, as it makes things easier. He would like to see the required distance between approaches be higher. Commissioner Lythgoe noted that, if needed, they have the ability to grant a variance.

On page 10, definitions of various types of roads are given. Peggy Morales asked regarding the definitions of a minor arterial and a local road, what Robbins Lane would be considered, as it really doesn't go anywhere. Ben stated that, in his opinion, it is a minor arterial, as there are different places to go from that road. A local road is used only by those who live right there. Commissioner Weber asked if ADT language needs to be added. Ben stated that it is not needed. He noted that there used to be a classification term collector, which would better define Robbins Lane.

On page 11, they discussed encroachment and approach permits before construction, and the fine when this was not done. Commissioner Weber stated that the County has had problems with this, as it is also in the old standards. He stated that the fine needs to be changed. Commissioner Lythgoe stated that the Commission would need to do this by resolution, and stated that he will talk to the County Attorney about this.

Page 12 deals with drainage issues. Commissioner Lythgoe asked if there needs to be any language included regarding 401 permits or the Corps of Engineers. Ben stated that he thinks having an engineer involved will cover this. Commissioner Weber stated that in paragraph 1, it mentions the governing body, and asked if that refers to the DEQ or the Commission. Commissioner Lythgoe stated that it refers to the Commission. Commissioner Weber stated that they need to let people know of the requirement for DEQ involvement.

Commissioner Lythgoe stated that he feels that they can meet the goal to adopt this on August 9. Ben stated that he will get together with Alan to discuss the minor changes mentioned at this meeting.

DISCUSS JEFFERSON COUNTY ACCEPTING ALL PUBLIC ROADS FOR MAINTENANCE, NOT TO INCLUDE FEDERAL, STATE OR OTHER AGENCY ROADWAYS

Commissioner Lythgoe stated that they have all thought about this since it was first discussed several weeks ago. One thing that Bonnie has requested, she would prefer if established districts are used. There are three different options they are looking at: there are eight elementary districts, some of which could be combined; fourteen voting districts; and two high school districts. He stated that it is up to the Commission to pick an option; his preference would probably be by voting districts. His preference is to do Rural Maintenance Districts (RMDs),

which would be different from a mill levy, which sometimes have a negative connotation. A RMD would specify an amount for each district. Commissioner Weber asked if a mill could be done per district. Commissioner Lythgoe stated that it could be done, but his preference is to have the RMD rather than the mill, as it implies that the money is for that specific district.

Commissioner Lythgoe stated that the goal is to take on county and public roads and to maintain the roads in the districts. His feeling is that it will cost more in the northern part of the county than in the central or southern part. They need to come up with costs associated with additional personnel and equipment. At first blush, it seems that they can do this with the same amount of money that people currently pay homeowners dues. Those dues can then be used for something else, such as weed control. They need to develop an idea of the costs, and he hopes to go to the voters in the spring.

Commissioner Notbohm stated that he has thought about this every which way, and he tried to have an open mind, but if you look at his district, his is spread out, it won't generate enough to do anything. The north end has more people, but also a lot more roads. To do this, Ben will need to hire outside help and increase his crew. He can't see any way that this can be done fairly. He can't support going to the public with this; they would need to double the road crew, and there won't be enough money. Commissioner Lythgoe stated that he understands Commissioner Notbohm's concerns, noting that it is a tremendous undertaking. Commissioner Notbohm asked how much road the county currently has. Commissioner Lythgoe stated that the county currently maintains 400 miles of road, and that would probably double if this goes through. Ben stated that the county receives gas tax on 780 miles of road. Commissioner Lythgoe stated that Ben brings up another good point; to define the roads and determine which to take, they need to see what roads the County gets gas tax on. The state will be doing a road inventory this summer, and this should give them a good idea of what roads to take.

Commissioner Weber stated that they need to develop a list what the costs will be, what is to be done, identify the roads and then be able to provide costs per district. Until they develop that pictures, there is no information to go on. Commissioner Lythgoe stated that other counties are look at doing this also. For decades, counties have stated no new roads. Ben stated that he has been trying to find how many tax bills are having road fees assessed. Before he can do anything, he needs to find out, per district, how many can be assessed per district and how many miles of road are in each district before he can begin to research how much money will be needed in each district. Commissioner Weber agreed that all these things have to be brought together before a decision can be made. He stated that he doesn't see this as a problem. Commissioner Lythgoe stated that this is a necessary step. There are 4,700 people paying Solid Waste fees, but there could be 200 - 300 more out there that aren't. That is the difficulty that Ben is having. Ben stated that he has no time during the summer to do any research.

SOUTH HILLS DRIVE RMD PROPOSAL

Dr. Jim Kehr stated that with this RMD proposal, he is trying to give the simplest approach. He stated that there are 18 people on this stretch of road, the majority of who want to create a district for maintenance, paying \$250/year each. The homeowner's association has agreed to waive the

fees for these people. Dr. Kehr stated that this needs to happen now, before winter, and that is why he didn't add the Lewis & Clark County portion to the petition. He stated that if the Commission wants to add Lewis & Clark County, they can, as they have enough signatures for them to be added. But with the time frame, it would take too long to go through the process.

Commissioner Weber asked if he is proposing to borrow money and pay it off with the assessments. Dr. Kehr stated that they are hoping that this will be on the November tax bills; they may need to borrow some money. Commissioner Weber asked Dr. Kehr if he is currently paying home owner dues to have maintenance done. Dr. Kehr stated yes, in theory, but nothing is ever done. Commissioner Lythgoe stated that maintenance was done in the past. Dr. Kehr stated that nothing is happening now, and there are no plans either. The home owners are happy to leave Crossfire and get something done. Commissioner Weber asked why they don't form their own homeowner's association to maintain the road. Dr. Kehr stated that if it is on the tax bill, it is tax deductible; there is also a fairness issue.

Commissioner Lythgoe asked Harold if, with the current time frame, this could happen before winter. If they sign the resolution of intent today, there is a 60-day waiting period until the final resolution, then another 60-day waiting period before it can be implemented. Dr. Kehr stated that this is why he didn't add the Lewis & Clark portion; it would take longer. Commissioner Lythgoe stated that he is supportive of the RMD on South Hills Drive. He has talked to Lewis & Clark County, and it makes no sense to them to do maintenance on only part of the road. Commissioner Lythgoe stated that he has a hard time supporting a resolution for only part of the road. He is willing to amend the resolution to include Lewis & Clark County. He stated that he had talked to Eric Griffin of Lewis & Clark County that morning, and they have no problem with this. Dr. Kehr stated that if the Commission wants to pull in Lewis & Clark County, that is fine with him, it will bring in more money. He stated that he already has one signature from a person in Lewis & Clark, but he took it off of the petition so that Bonnie wouldn't have to research it.

Commissioner Lythgoe moved to adopt Resolution 11-2005, including the Lewis & Clark County portion of the road, and with amended language in the resolution to add the Lewis & Clark portion. Commissioner Weber seconded. Commissioner Notbohm questioned Dr. Kehr's request to start on the road before the fact. Commissioner Lythgoe stated that he can't do that. Commissioner Notbohm asked about Lewis & Clark County. Commissioner Lythgoe stated that, from his conversations with them, there will be no road block from them. He stated that he will contact Lewis & Clark County. Commissioner Notbohm asked Dr. Kehr if he is okay with all of this. Dr. Kehr stated that he will get the names of the Lewis & Clark County residents and amend the petition. Harold stated that if Dr. Kehr is willing to take the risk, he can pool some money to do some work on the road before frost. Commissioner Lythgoe stated that if Dr. Kehr is willing to do this, it would give the County time to get everything taken care of. He suggested that if the process can't be completed before October or November, Dr. Kehr talk to all the residents and get the money directly from them and get the job done. The only disadvantage to this is that those that are not in support of the RMD will not pay. The motion carried.

Harold stated that chances are, with two 60-day waiting periods, they will not be able to get the

fee on the November tax bills. He suggested that they form a group and get the money collected for the first year.

ROCKIN' THE RIVERS

Craig Doolittle, County Sheriff and Events Coordinator, stated that the parties involved stopped in his office earlier and they went over the large group function application. He stated that he has to say that this is the best initial application they have submitted to date. It just needs a signature from Megan, as the Sanitarian, and the Commission signatures. John Zulke stated that this is the fifth year for them doing this, and they are getting more organized. Commissioner Lythgoe stated that last year was the only year he hasn't attended, and that he had enjoyed the concerts. Commissioner Lythgoe noted that Megan has a couple of items for them to do, which they are aware of. He stated that his only request in that in the future, they get the application in a week earlier.

Commissioner Lythgoe moved to accept and approve the large group function application for Rockin' the Rivers. Commissioner Weber seconded. The motion carried.

Commissioner Weber moved to adjourn. Commissioner Notbohm seconded. The motion carried.

MEETING ADJOURNED

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

TOMAS E. LYTHGOE, CHAIR

CHUCK NOTBOHM, COMMISSIONER

KEN WEBER, COMMISSIONER